



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 01310-99

23 August 1999

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: [REDACTED] IBS, SC, USNR, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 14 Feb 99 w/attachments
(2) PERS-311 memo dtd 7 Jun 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the fitness report for 1 June to 14 November 1997, a copy of which is at Tab A.

2. The Board, consisting of Messrs. Bishop, Pfeiffer and Taylor, reviewed Petitioner's allegations of error and injustice on 12 August 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over fitness report matters has recommended approving Petitioner's request to correct his fitness report record.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following fitness report and related material:

Date of Report	Reporting Senior	Period From	of Report To
97Nov16	[REDACTED] SN	97Jun01	97Nov14

b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report containing appropriate identifying data concerning the report; that the memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any inference as to the nature of the report.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

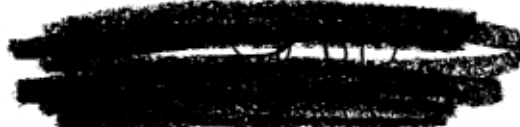
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

[REDACTED]
[REDACTED]
[REDACTED]
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1310-99

1610
PERS-311
7 June 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10, FITREP Manual

Encl: (1) BCNR File

Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 June 1997 to 14 November 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The report is signed by the member acknowledging the contents of the report and his right to submit a statement. The member indicated he desired to submit a statement, however, the member's statement and endorsement has not been received by PERS-311. In accordance with reference (a), Annex S, Paragraph S-8, the member has two years from the ending date of the report to submit a statement.

b. The member provided with his petition a letter dated 20 February 1998 from Commander [REDACTED] Commander, Maritime Prepositioning Ships Squadron three, setting aside the member's Non-Judicial Punishment (NJP) of 30 July 1997.

c. The fitness report for the period 1 June 1997 to 14 November 1997 comments on the member's NJP. Per reference (a), Annex S, Paragraph S-12, the comments contained in the original report are now inappropriate. As all the member's rights and privileges have been restored, we feel the report is inappropriate.

d. The member prove the report to be unjust or in error.

3. We recommend the report in question be removed and replaced with a no-fault memorandum to maintain continuity.

A black rectangular redaction box covering a signature.

Head, Performance
Evaluation Branch